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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,153

05/12/2006

Gabrielle Johanna Bernarda Maria Meekes

NL 031321

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

MANSKAR, KRISTEN

ART UNIT

PAPER NUMBER

2875

MAIL DATE

DELIVERY MODE

09/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,153

Applicant(s)

MEEKES, GABRIELLE JOHANNA
BERNARDA MARI

Examiner

Kristen A. Manskar

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.
2. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
3. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.
4. The abstract of the disclosure is objected to because the Abstract is not on a separate piece of paper. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. **Claim 1** is objected to because of the following informalities: the terms "that location" and "said mean" are indefinite. These terms do not properly define the invention and could more appropriately be phrased by detailing at what location (i.e. the center) and what means (i.e. the light transmitting plate and reflecting surfaces) these structures are intended to claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1 and 8** are rejected under 35 U.S.C. 102(b) as being anticipated by Benjamin, et al. (Patent 3,213,751), hereafter referred to as Benjamin.

8. With respect to claim 1, Benjamin discloses a lighting device comprising at least one light source (32) arranged in a housing (30) for emitting a lighting beam through a light transmitting plate of the housing (10), wherein said plate is provided with means (14 and 16) which reflect incident light on the plate (Column 4, Lines 9-25), in such a manner that light which locally has a higher intensity is reflected more strongly at that location than light which locally has a lower intensity, characterized in that said light-transmitting plate (10) and said means (14 and 16) together form a constructional element made in one piece of a diffuse reflective material (Figure 1).

9. Regarding claim 8, Benjamin discloses a method for laterally homogenizing of the intensity of light emitted from a lighting device comprising at least one light source (32) arranged in a housing (30) for emitting a light beam through a light-transmitting plate (10) of the housing, wherein said plate is provided with means which reflect incident light on the plate (14 and 16), in such a manner that light which locally has a higher intensity is reflected more strongly at that location than light which locally has a lower intensity, characterized in that said light-transmitting plate and said means together are formed as a constructional element made in one piece of a diffuse reflective material (Figures 1 and 4).

10. Regarding the claims recitation that the instant invention that light which locally has a higher intensity is reflected more strongly at that location than light which locally

has a lower intensity, the applicant is advised that, while the features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 44 USPQ2d 1429. In addition, it has been held by the courts that apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 15 USPQ2d 1525 (Fed. Cir. 1990). In this case, the patented apparatus of Benjamin discloses (as detailed above) all the structural limitations required to perform the recited functional language, therefore was considered to anticipate the claimed vehicular lightening apparatus.

11. Regarding the grinding and embossing method of claim 6, the applicant is advised that, even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 227 USPQ 964, (Fed. Cir. 1985). In this case, the cited limitations failed to distinguish the claimed structure from the patented lighting device of Benjamin. See MPEP § 2113.

12. Regarding the molding or extrusion method of claim 7, the applicant is advised that, even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-

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process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” *In re Thorpe*, 227 USPQ 964, (Fed. Cir. 1985). In this case, the cited limitations failed to distinguish the claimed structure from the lighting device of claim 7. See MPEP § 2113.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 2-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Benjamin in view of Serizawa, et al. (Patent 4,733,335), hereafter referred to as Serizawa.

15. Regarding claim 2, Benjamin discloses a lighting device wherein the constructional element is made of a glass material comprising diffuse reflective particles (Figure 4).

16. Benjamin does not explicitly disclose a constructional element made of a plastic material.

17. Serizawa discloses a diffusive reflective material made of a plastic material (Column 4, Lines 19-44).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the plastic material of Serizawa in the lighting device of

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Benjamin for the benefit of the moldability properties associated with using plastic over glass. Furthermore, Serizawa discloses glass as a comparable alternative to plastic to be used within a lighting device (Column 4, Lines 19-44).

19. Regarding claim 3, Benjamin discloses a lighting device wherein the diffuse reflective particles comprise calcium halophosphate, calcium pyrophosphate, MgO , YBO_3 , TiO_2 , or Al_2O_3 particles (Column 6, Lines 30-37).

20. Benjamin does not explicitly disclose a constructional element made of a plastic material.

21. Serizawa discloses a diffusive reflective material made of a plastic material (Column 4, Lines 19-44).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the plastic material of Serizawa in the lighting device of Benjamin for the benefit of the moldability properties associated with using plastic over glass. Furthermore, Serizawa discloses glass as a comparable alternative to plastic to be used within a lighting device (Column 4, Lines 19-44).

23. With respect to claim 4, Benjamin does not explicitly disclose a lighting device wherein the plastic material that is chosen from the group of acrylic plastics, fluorochemicals, polysiloxanes, polyesters, and polycarbonates.

24. Serizawa discloses a lighting device wherein the plastic material that is chosen from the group of acrylic plastics, fluorochemicals, polysiloxanes, polyesters, and polycarbonates (Column 4, Lines 44-45; Figure 2).

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the plastic material of Serizawa in the lighting device of Benjamin for the benefit of the moldability properties associated with using plastic over glass. Furthermore, Serizawa discloses glass as a comparable alternative to plastic to be used within a lighting device (Column 4, Lines 19-44).

26. In reference to claim 5, Benjamin does not disclose a lighting device wherein the element comprises a profile with a varying thickness in such a manner that the thickness of the element at a location close to the light source is larger than at a location close to the light source is larger than at a location further removed from the light source. However, Serizawa discloses a lighting device wherein the element comprises a profile with a varying thickness in such a manner that the thickness of the element at a location close to the light source is larger than at a location further removed from the light source (Figures 3 and 10; Column 4, Lines 29-43).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the lighting device of Serizawa in the lighting device of Benjamin for the benefit of enabling optimal surface light emission.

Prior Art

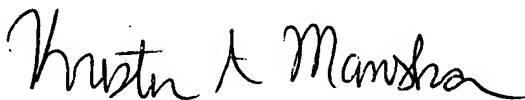
28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sjobom (Patent 5,515,253) discloses a lighting device with a diffusive material that has a varied thickness; Sjobom (Patent 5,896,093) discloses a lighting device with a diffusive material having a varied thickness.

Conclusion

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen A. Manskar whose telephone number is (571) 270-1220. The examiner can normally be reached on Monday-Friday 7:30a.m.-5p.m..

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



KAM


SHARON E. PAYNE
PRIMARY EXAMINER